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## **MAHARASHTRA MUNICIPALITIES ELCECTION RULES, 1966**

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## **MAHARASHTRA MUNICIPALITIES ELECTION RULES, 1966**

MAHARASHTRA MUNICIPALITIES ELECTION RULES, 1966

### **1. Short title and commencement :-**

(1) These rules may be called the Maharashtra Municipalities Election Rules, 1966.

(2) They shall come into force at once.

### **2. Definitions :-**

In these rules, unless the context otherwise requires-

(a) "Act" means the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965);

[(a-l) "counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules;

(b) "Form" means a Form appended to these rules;

[\* \* \*]

[(b-1) "public holiday" means any day which is declared to be a public holiday under the Explanation to Section 25 of the Negotiable Instruments Act, 1881 (26 of 1881), or any day which is notified by the State Government to be a holiday for Government offices in the State;

(b-2) "marked copy of the list of voters" means the copy of the list of voters set apart for the purpose of marking the names of voters to whom ballot papers are issued at an election.

### **3. Maintenance of lists of voters :-**

[(1) The Chief Officer shall maintain the authentic copy of each list of voters prepared under sub-section (6) of Section 11 without making any alterations therein.

(2) The said lists of voters shall be kept in the municipal chest or safe under lock and key, and the officer whose duty is to keep the key of the chest or safe shall be responsible for the safe custody of the said lists.

### **4. Fixation of various stages of election :-**

[(1) For the purpose of holding a general election, the Collector shall, as occasion may require by order in Form I [\* \* \*] appoint or reappoint dates, time and place for all or any of the stages of the election, as follows :-

[(a) the last date for making nominations which shall be after fifteen day from the date of final publication of the list of voters, or, if that day is a public holiday, the next succeeding day which is not a public holiday and the time and place for making nominations;

[(b) the date for the scrutiny of nominations, which shall be date not later than the third day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday, and where, such date is reappointed under a subsequent order such date shall not be later than the fifth day after the date of such subsequent order or, if that day is a public holiday, the next succeeding day which is not a public holiday, and the time and place for the scrutiny of nominations on that day;

[(c) the last date for withdrawal of candidature, which shall be a

date not later than fifteenth day and not earlier than the fifth day after the date, or the reappointed date, for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday, and where such date for withdrawal and subsequent stages of the election are reappointed under a subsequent order such date for withdrawal shall not be later than the fifteenth day and not earlier than the fifth day after the date of such subsequent order or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken which or the first of which dates shall be a date not earlier than the twelfth day after the last date, or the reappointed last date, for the withdrawal of candidatures, and where previous stages of the election are completed and the date or dates on which a poll shall, if necessary, be taken or are reappointed under a subsequent order such date or the first of such dates

Provided that, such date or dates shall not be earlier than two months before the date of expiry of term of office of councillors of the council . [\* \* \*] to which such election is to be made and (except in the case of the first election to be held under this Act) shall not be later than six days [before the date of expiry;

[(e) the date or dates (not being a date or dates falling on a public holiday or holidays) and the time and place for the counting of votes; and (if the dates, time and places for other stages of the elections.)

[(2) Where the Collector makes any order under sub-rule (1), he shall-

(a) if the order is for appointing or reappointing dates for all stages of the election- not less than ten days before the last date fixed for the nomination of candidates.

(b) if the order is for reappointing the date for taking a poll not less than [eight days] before the revised date fixed for taking the poll,

(c) if the order is for reappointing the date for scrutiny of nominations or for any of the subsequent stages (other than the date for poll) - not less than five days before the revised date fixed for the next stage of the election, cause the order to be published as a public notice in the same manner as is provided in causes (a) and (c) of sub-section (2) of section 326 of the Act, and where

there are local news papers, also additionally by publication in one or more of such newspapers. The Collector shall also arrange to give wide publicity to the election programme by affixing copies of the order in Marathi as the municipal office and at such other conspicuous places within the municipal area as may be deemed fit and by causing the said order to be published in such other manner as he deems fit.

**1**[(3) Where an appeal is presented under Rule 15 against the decision of a Returning Officer accepting or rejecting a nomination paper in respect of the election in any ward **2** [\* \* \*] the revised last date for the withdrawal of candidatures in respect of such election shall be the third day after the date on which such appeal is decided. If it is necessary to take a poll and the date appointed therefore under sub-rule (1) is already passed or is earlier than the twelfth day after the revised last date for the withdrawal of candidatures, the Collector shall appoint a revised date on which the poll shall be taken (which shall be a date not earlier than the twelfth day after the revised last date for the withdrawal of candidatures), and a revised date for the counting of votes, in respect of that election. Such order shall be published in the same manner in which the original order made under sub-rule (1) is published.

1. New sub-rule (3) inserted by G.N., U.D., P.M. and H.D., No, UMR-1067/Unification- IV, dated 13th April 1967.

2. Deleted by G.N., U.D., and P.H.D., No. MUG-1081/774/CR/-118/UD-9, dated 16\* July, 1981.

#### **4A. Postponement of elections during the period of National State mourning :-**

**1**

(1) If the last date appointed for making nominations falls during a period which is declared by Government is to be a period of National or State mourning, the Collector shall postpone the election programme and appoint fresh dates so as to commence various stages of the election after the expiry of such period irrespective of the fact whether the last date appointed for making nominations has been declared a public holiday or not.

(2) If the period of such mourning commences on the date appointed for scrutiny of nominations or on the last date appointed for withdrawal of candidatures any such date shall not be postponed but the dates for subsequent stages of the election shall

be revised by the Collector so that those stages may commence after the expiry of the mourning period.

(3) If the period of such mourning commences on any date appointed for taking a poll or for counting of votes and the poll or counting of votes has already commenced then the poll or the counting of votes, as the case may be, shall not be postponed, but in other cases the dates shall be revised by the Collector so that these stages of the election may be held after the expiry of the mourning period.

1. New Rule 4A inserted by G.N., U.D., P.H. and H.D., No. MUN(M)- 2469/39532-N, dated 13th March, 1972.

## **5. Appointment of Returning Officer and Assistant Returning Officer :-**

(1) The Collector shall <sup>1</sup>[by order in Form I <sup>2</sup> [\* \* \*] appoint the Chief Officer or any other officer of the Council or any Officer

(2)

(a) The Collector may, if deemed necessary, appoint any officer of a council or of Government to be an Assistant Returning Officer to assist any Returning Officer in the performance of his functions.

(b) The Assistant Returning Officer shall subject to the control of the Returning Officer be competent to perform all or any of the functions of the Returning Officer:

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers [\* \* \*] unless the Returning Officer is unavoidably prevented from performing the said functions.

1. Amended by G.N., U.D., P.H. and H.D., No. MMR-1373/79776-A-I, dated 10th December, 1973.

2. Deleted by G.N., U.D., and P.H.D., No. MUG-1081/774/CR/-118/UD-9, dated 16\* July, 1981.

## **6. Returning Officer to include Assistant Returning Officer performing functions of Returning Officer :-**

Subject to the provisions of sub-rule (2) of Rule 5, reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include as Assistant Returning Officer.

## **7. General duty of Returning Officer :-**

It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules.

**8. Polling stations :-**

The Returning Officer shall provide a sufficient number of polling stations for each ward in which election is to be held and shall, not later than seven days before the date of poll, publish a list showing the polling stations and the areas for which they will set up (hereinafter referred to as the "polling area").

**9. Appointment of Presiding and Polling Officers :-**

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such polling officers or officers to assist the Presiding Officers, as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election:

Provided that, if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person, who has been employed by or on behalf of, or

(2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Returning Officer to perform such functions during any such absence.

(4) Reference in these rules to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-rule (2) or as the case may be, under sub-rule (3).

**10. General duty on Presiding Officer :-**

It shall be the general duty of the Presiding Officers, at the polling station to keep order there at and see that the poll is fairly taken.

**11. Control :-**

The Returning Officer, Assistant Returning Officer, Presiding Officers, Polling Officers and all other persons appointed for any

matter connected with these rules shall work under the direction and supervision of the Collector.

**12. Nomination of candidates :-**

(1) Any person may be nominated as a candidate for election to fill a seat. If he is qualified to be chosen to fill that seat under the provisions of the Act.

[(2) Every nominations paper shall be in Form II [\* \* \*]] which shall be supplied by the Returning Officer to any voter on demand. The nomination paper duly completed and signed by the candidate and by a voter [\* \* \*] of the ward as proposer [\* \* \*] shall be delivered to the Returning Officer by each candidate, either in person or by his proposer, on or before the date appointed under sub-rule (1) of Rule 4 during the time and at the place specified thereunder's.

(3) Any person who is qualified to vote under sub-section (1) of Section 12 and whose name is entered in the list of voters for the ward for which the candidate is nominated, may subscribe as proposer [\* \* \*] He shall not subscribe as proposer more than one such nomination paper. If he does so all the nomination papers so subscribed, except the one received first shall notwithstanding anything contained in sub-rule (2) of Rule 13 be invalid. The same candidate may, however, be nominated by more than one such nomination paper for election in the same ward, if the nomination papers are subscribed by different proposers :

Provided that, not more than four such nomination papers shall be presented by or on behalf of any candidate, or accepted by the Returning Officer for such election.

(3A)[\* \* \*]

(4) In a ward where the seat is reserved for Scheduled Castes or Scheduled Tribes, a candidate shall not be deemed to be qualified to be chosen to fill that seat, unless nomination paper contains a declaration by him specifying the particular Scheduled Caste or Scheduled Tribe of which he is a member.

(5) On receiving a nomination paper under sub-rule (2), the Returning Officer shall inform the person delivering the same of the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign



thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him. The Returning Officer shall then sign a receipt for the nomination paper and the notice of scrutiny in Form III 2[\* \* \* and hand over the same to the person presenting the nomination paper. As soon as may be after receipt of a nomination paper the Returning Officer shall cause to be affixed in some conspicuous place in his office and a notice of the nomination along with a true copy of Part A of the nomination paper.

(6) When elections are to be held at or about the same time in two or more wards one and the same person, if qualified, may be nominated for election in all or any number of the said wards.

(7)[\* \* \* \*]

### **13. Scrutiny of nomination papers :-**

(1) The candidates, one proposer of each candidate and one other person duly authorised in writing by each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at the time and place fixed for the scrutiny of the nomination papers under Rule 4, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (2) of Rule 12.

(2) The Returning Officer shall examine the nomination papers and decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary reject any nomination paper on any of the following grounds, that is to say :-

(a) that the candidate is not qualified or is disqualified for election under the Act;

(b) that the proposer is not qualified to nominate the candidate;

(c) that there has been a failure to comply with any of the provisions of the Act or prescribed by these rules;

(d) that the candidate or proposer is not identical with the person whose electoral number is specified in the nomination paper as the number of such candidate or proposer, as the case may be;

(e) that the signature "of the candidate or the proposer on the

nomination paper is not genuine or is obtained by fraud.

(3) Nothing contained in clause (c), (d) or (e) of sub-rule (2) shall be deemed to authorise the rejection of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the grounds of any defect which is not a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (d) of sub-rule (1) of Rule 4 and shall not allow any adjournment of the proceedings, except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case any objection is raised by the Returning officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe nomination paper, as the case may be, unless it is proved that the candidate or the proposer is disqualified.

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validity nominated candidates in Form IV [\* \* \*]. The Returning Officer shall then affix such list on his notice board and shall record the date on which and time at which the list was so affixed.

#### **14. Deposits. :-**

(1) On or before the date appointed for the delivery of nomination papers, each candidate [\* \* \*] shall deposit, or cause to be

deposited, with the Returning Officer a sum of rupees fifty [\* \* \*] in cash and no candidate shall be deemed to be duly nominated unless such deposit is made :

Provided that, in a ward in which the seat is reserved for women or for Scheduled Castes or for Scheduled Tribes, the sum to be so deposited by or on behalf of a candidate, who is a woman or a member of a Schedule Caste or Scheduled Tribe, as the case may be, shall be 25 per cent, of the amount payable under this rule:

Provided further that, where a candidate has been nominated by more than one nomination paper for election in the same ward, [\* \* \*] not more than one deposit shall be required of him under this rule.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in these rules; or if the nomination of any

(3) On a candidate being elected, such deposit shall be returned to him or to the person who made it, as the case may be, as soon as may be after the declaration of result.

(4) On a candidate failing to get elected, if the number of valid votes polled by him does not exceed on eight of the total number of valid votes polled by all the candidates, the deposit shall be forfeited to the Council

(5) A deposit made in respect of an unsuccessful candidate, if not forfeited under sub-rule (4), shall be returned to the person making it as soon as may be, after publication of the result of the election in the Official Gazette.

### **15. Appeal :-**

(1) An appeal shall lie to the District Judge of the district in which the municipal areas is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

[(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may present an appeal therefrom to the District Judge within a period of three days from the date of publication of the list of validly nominated candidates:

Provided that, where an appeal is presented, such candidate shall,

not later than 3 O'clock in the afternoon of the day next following the date of presentation of the appeal to the District Judge, give a notice of the appeal to the Returning Officer.

(3) If one or more notices has or have been received in accordance with the proviso to sub-rule (2), the Returning Officer shall, immediately after the expiry of four days from the date of publication of the list of validly nominated candidates-

[(a) publish a notice in Form V by affixing it to his notice board together with a statement that the hearing of the appeal shall commence before the District Judge on the third day after the date of such publication of the notice or if that day is a public holiday, the next succeeding day

(b) send to the District Judge a copy of each of the notices, the intimation referred to in clause (a) and the list of validly nominated candidates.

(3A) On receipt of copies of notices and other documents referred to in the last preceding sub-rule, the District Judge shall intimate to the Returning Officer the day or days appointed by him for hearing of the appeal or appeals and also notify such day or days on his notice board. As soon as such intimation is received from the District Judge, the Returning Officer shall also display a copy of such intimation on his notice board for informing the parties concerned the date or dates appointed for hearing the appeals, as the case may be.

(4) The Returning Officer shall, on application made by or on behalf of a candidate, supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this rule, the appellant shall join as respondents all the candidates (other than himself) whose nomination have been accepted by the Returning Officer.

[(6) The intimations affixed to the notice board of the Returning Officer under sub-rules (3) and (3A) shall be deemed to be sufficient notice, both of the presentation of an appeal under this rule and of the date on which the hearing thereof shall commence before the District Judge and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremptory hearing

on the said date. For the purpose of the appeal, the District Judge may, except as provided in this rule, exercise any of the powers of a Civil Court.

(7) Every appeal under this rule shall be head de die in diem and disposed of by the District Judge as expeditiously as possible and his decision shall be communicated forthwith to the Returning Officer.

[(8)\* \* \*]

[(9) In every case where notice of any appeal has been given to the Returning Officer, he shall, upon receipt of the communications of the District Judge referred to in sub-rule (7) republish by affixing to his notice board the list of validly nominated candidates after revising it, if necessary in conformity with the decision of the District Judge.

(10) The decision of the District Judge on appeal under this rule, and subject only to such decision, the decision of the Returning Officer, accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court.

(11) Any appeal presented to the District Judge under this rule may be inquired into and disposed of by any Judge not lower in rank than an Assistant Judge to whom the case or such cases generally may be referred to by the District Judge, and any reference to the District Judge in this rule shall then be constructed as a reference to such Judge.

## **16. Assignment of Symbols to, and publication of list of contesting candidates :-**

[(1) Subject to any general or special directions issued by the State Government in this behalf by notification in the Official Gazette, the Returning Officer shall on the day immediately following the last day for withdrawal of candidatures, allot to each candidate a symbol in the manner hereinafter appearing from amongst the following symbols, namely:-

### **TABLE**

### **PART 1**

### Reserved Symbol

	(1)	(2)
1.	Lotus	Bharatiya Janata Party
2.	Ears of Corn and Sickle	Communist Party of India
3.	Hammer, Sickle and Star	Communist Party of India (Marxist)
4.	Charkha within a Rectangle	Indian Congress (Socialist-Sarat Chandra Sinha)
	(1)	(2)
5.	Hand	Indian National Congress
6.	Charka (wheel)	Janata Dal
7.	Farmer digging with "Mamti" within a wheel	Janata Party (JP)
8.	Farmer driving Bullock Cart	Lok Dal (B)
9.	Cart	Peasants and Workers Party of India.
10.	Bow and Arrow	Shiv Sena

### PART II

### Free Symbol

	(1)		(2)
1.	Aeroplane	17.	Elephant
2.	Basket containing vegetables	18.	Fish
3.	Bicycle	19.	Flaming Torch
4.	Boat	20.	Goat
5.	Bucket	21.	Hand pump
6.	Camel	22.	Horse
7.	Car	23.	Hurricane Lamp
8.	Chair	24.	Inkpot and Pen
9.	Clock	25.	Jug
10.	Cock	26.	Ladder
11.	Coconut tree bearing fruits	27.	Lion
12.	Cultivator cutting crop	28.	Lock and Key
13.	Cultivator winnowing grain	29.	Mug
14.	Deer	30.	Peacock
15.	Drum	31.	Pigeon

16.	Eagle about to fly	32.	Pot
33.	Radio	40.	Sparrow
34.	Railway Engine	41.	Swastik within Circle
35.	Rising Sun	42.	Spectacles
36.	Scales within a Rectangle	43.	Tiger
37.	Sewing Machine	44.	Two cultivators Returning after cutting crop
38.	Spade	45.	Two leaves
39.	Spade and stoker	46.	Two swords and a shield

Provided that, where the number of candidates contesting the election exceeds the number of symbols [specified in PART II of the TABLE above] the Returning Officer may assign any other symbol to any candidates to whom no symbol has been assigned.

[(2) Any candidate sponsored by a political party mentioned in column (2) in PART I of the TABLE mentioned in sub-rule (1) shall choose, and shall be allotted, the reserved symbol of that party specified in column (1), in PART I of the said TABLE and no other symbol.

Explanation:- For the purpose of this rule, a candidate shall be deemed to be sponsored by a political party if, and only if, before the expiry of the period for the withdrawal of candidatures, a notice in writing to that effect has been delivered to the Returning Officer by a person who is authorised by the said party to send such notices and whose name and specimen signature have been communicated in advance to the Returning Officer.

(2) Any other candidate shall choose, and shall be allotted, one of the free symbols specified in PART II of the TABLE and no other symbol: Provided that, if more candidates than one indicate their preference for the same symbol, the Returning Officer shall, after due notice to the candidates concerned, decide by lot, in the presence of such of those candidates as may be present at the appointed time to which of those candidates the symbol shall be assigned].

(3) The decision of the Returning Officer in assigning any symbol to

a candidate under this rule shall be final.

[(4) The Returning Officer shall thereafter publish a list of contesting candidates. Such list shall be in a Form VII [\* \* \*] and shall contain the names in alphabetical order determined with reference to the surnames of the candidates having surnames, and the names proper, of other candidates, and their addresses as given in the nomination papers. The particulars and alphabetical order shall be in such language as is adopted by the Council under clause (12) of Section 81 for keeping the minutes.]

**17. Withdrawal of candidature :-**

(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer :-

(a) where no appeal is presented under Rule 15 on or before the day appointed under clause (c) of sub-rule (1) of Rule 4, and

(b) where such appeal is made, on or before the third day after the date on which the appeal is decided.

(2) The notice shall be delivered to the Returning Officer before 3 O' clock in the afternoon on the last day fixed under sub-rule (1) for withdrawal of candidature.

(3) The notice may be given either by the candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by the candidate.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(5) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice to be affixed on the notice board in his office.

**18. Appointment of Election Agent revocation of such appointment :-**

(1) if a candidate desires to appoint an election agent such appointment shall subject to the provisions of sub-rule (3), be made in Form VIII [\* \* \*] and lodged with the Returning Officer either at



(2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date on which it is so lodged. In the event of such revocation or in the event of the election agent dying before, or during the period of the election, the candidate may appoint a new election agent in accordance with the provision of sub-rule (1).

(3) No person, who is for the time being disqualified under subsection (11) of Section 21 from being elected at any election to a Council, shall so long as the disqualification subsists, be appointed as an election agent.

### **19. Appointment of Polling Agent :-**

(1) At an election at which a poll is to be taken any contesting candidate, or his election agent, may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form IX-I [\* \* \*] signed by the candidate or his election agent.

(2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent, who shall, on the date fixed for the poll, present it to, and sign the declaration contained therein before the Presiding Officer. The Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station, unless he has complied with the provisions of this sub-rule.

### **20. . :-**

(1) Each contesting candidate or his election agent may appoint not more than four agents to act as counting agents of such candidate by letter in writing in duplicate in Form [IX-2 signed by the candidate or his election agent. [\* \* \*]

(2) Before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment of such counting agents to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent

who shall, on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before, the Returning Officer. The Returning Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-rule.

**21. Revocation of appointment or death of Polling Agent :-**

(1) The appointment of the polling agent may be revoked by the candidate at any time before the commencement of the poll by a declaration in writing signed by him.

(2) Such declaration shall-

(a) in the case where the appointment is revoked not less than seven days before the commencement of the poll, be lodged with the Returning Officer;

(b) in any other case, be lodged with the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death-

(a) in the case where the death takes place not less than seven days before the commencement of the poll, to the Returning Officer, and

(b) in any other case, to the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(4) Wherever the Returning Officer receives any declaration of report made under sub-rule (1) or (2), he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

(5) Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may, at any time before the poll is closed, appoint a new polling agent in accordance with the provisions of sub-rule (1) of Rule 19:

Provided that, the letter of appointment of a new polling agent shall-

(a) in the case where such appointment is made not less than seven days before the commencement of the poll, be given to the Returning Officer, and.

(b) in any other case, be given to the Returning Officer or the Presiding officer of the polling station where the new polling agent is appointed.

(6) The provision of sub-rule (2) of Rule 19, shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of Rule 19.

## **22. Revocation of appointment or death of Counting Agent :-**

(1) The appointment of the counting agent may be revoked by the candidate at any time before he commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer.

(2) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer.

(3) Where the appointment of a counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting votes, the candidates or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of Rule 20.

(4) The provisions of sub-rule (2) and (3) of Rule 20, shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relation to a counting agent appointed under sub-rule (1) of Rule 20.

## **23. Death of candidate before Poll :-**

If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll in respect of the ward to the election of which the deceased was a candidate-[\* \* \*] and report the fact to the Collector and all proceedings with reference to the election of such ward [\* \* \*] shall be commenced anew in all

respect, as if for new election:

Provided that-

(i) no further nomination shall be necessary in the case of a person who was a validly nominated candidate at the time of countermanding of the poll and

(ii) no person who has given a notice of withdrawal of his candidature under Rule 17 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

#### **24. Uncontested election :-**

(1) If in any ward, [\* \* \*] if only one candidate has filed a nomination, and his nomination has been accepted, the Returning Officer shall forthwith declare such candidate to be duly elected.

(2) If in any ward, [\* \* \*] only one nomination out of several nominations made, has been accepted and if no appeal under Rule 15, has been filed or if the appeal or appeals so filed, have been duly rejected, the Returning Officer shall declare the candidate whose nomination has been accepted, to be duly elected.

#### **25. Contested elections :-**

In cases other than those covered by Rule 24, a poll shall be taken.

#### **26. Manner of voting at elections :-**

At every contested election, votes shall be given by ballot in the manner hereinafter provided.

#### **27. Ballot box :-**

Every ballot box shall be of such design as may be approved by the Collector. It shall also be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

#### **28. Ballot paper :-**

(1) Every paper shall be in a Form [\* \* \*]

.

[(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates at the election published under Rule 16.

(3) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner.

## **29. Arrangements at polling stations :-**

[(1) Outside each polling station, there shall be displayed prominently,-

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station, and where the polling station has more than one polling booth, at each one of such booths, the description of voters allotted to such booth; and.

(b) another notice giving the name of each candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of contesting candidates at the election published under Rule 16 together with the description of the symbol which has been assigned to each such candidates under that rule.

(2) The Returning Officer shall cause to be provided at every polling station [a compartment (referred to in these rules as a "polling compartment") in which voters can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voters of which are entitled to vote at such polling station, instrument for stamping the official mark on the ballot papers, and articles necessary for voters to mark the ballot paper. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

## **30. Admission to polling station :-**

The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than-

(a) polling officer;

(b) public servants on duty in connection with the election;

(c)-persons authorised by the Collector or the Returning Officer;

(d) candidates, their election agents and subject to the provisions

of Rule 19 one polling agent of each candidate;

(e) a child in arms accompanying a voter;

(f) a person accompanying a blind or infirm voter who cannot move without help; and

(g) such other person as the Returning officer or the Presiding Officer may employ for the purpose of identifying the voter.

**31. Preparation of ballot boxes fo Poll :-**

(1) Where a paper seal is used for securing the ballot box, the Presiding Officer shall fix in the space meant therefore a paper seal provided for the purpose. He shall also affix on such paper his signature and obtain thereon signatures of such candidates or such election or polling agents of the candidates as may be present and may desire to affix their signatures. He shall then secure and seal the ballot box in such manner that the slit for insertion of ballot papers therein remains open.

(2) Where it is not necessary to use a paper seal for securing a ballot box, the Presiding Officer shall secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefore, if they so desire.

(3) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with-

(a) the serial number, if any, and the name of the ward;

(b) the serial number and the name of the polling station;

(c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) the date of poll.

(4) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates, their election agents and their polling agents, who may be present at such station and all other persons present that the ballot box is empty and bears the labels referred to in sub- rule (3).

(5) The ballot box shall then be closed, sealed and placed in full view of the Presiding Officer and the polling agents.

### **32. Facilities for women voters :-**

(1) Where a polling station is for only men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist women voters and also to assist the Presiding Officer generally in taking the polling in respect of women voters, and in particular, to help in searching any women voters in case it becomes necessary.

### **33. Identification of voters :-**

(1) The Presiding Officer may employ at the polling station such persons, as he thinks fit, to help in the identification of the voters or to assist him otherwise in taking a poll.

(2) As each voter enters the polling station, the Presiding Officer or Polling Officer, authorised by him in this behalf, shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer, or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors, in an entry in the list of voters if he is satisfied that such person is identical with the voter to whom such entry relates.

### **34. Challenging of Identity :-**

(1) Any candidate, election agent or polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rs. 2 in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall-

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form XI[\* \* \*]

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose-

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer on oath to the person challenged and any other person offering to give evidence.

(4) If after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Council and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

### **35. Safeguards against personation :-**

(1) With a view to preventing personation of voters, every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

(2) if any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a preference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as reference of the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as reference to such extremity



of his left or right arm as he possesses.

**36. Issue of ballot paper. :-**

(1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll. (2) No ballot paper shall be issued to any voter after the hours fixed for the closing of the poll, except to those voters who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to record their votes even after the poll closes. [(3) Every ballot paper shall, before it is issued to a voter and the counterfoil attached to such ballot paper, be stamped on the back with such distinguishing mark as the Collector may direct, and every ballot paper shall, before such issue be signed in full on its back by the Presiding Officer.

(4) At the time of issuing a ballot paper to a voter, the Polling Officer shall-

(a) record on its counterfoil the serial number of the voter as entered in the marked copy of the list of voters;

(b) obtain the signature or thumb impression of that voter as on the said counterfoil; and

(c) mark the name of the voter in the marked copy of the list of voters to indicate that a ballot paper has been issued to him, without, however, recording therein in the serial number of the ballot paper issued to that voter:

Provided that, no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(5) No person in the polling station shall note down the serial number of the ballot paper issued to a particular voter].

**37. Voting Procedure :-**

(1) The voter on receiving the ballot paper shall forthwith-

(a) proceed to one of the polling compartments ;

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box ; and

(f) quit the polling station

(2) Every voter shall vote without undue delay.

(3) No voter shall be allowed to enter a polling compartment when another voter is inside it.

**38. Recording of vote of blind or infirm voter :-**

If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishers, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling station on the same day;

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, he shall be required to declare that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form XI-A-I [\* \* \*] of all cases under this rule]

**39. Split and returned ballot paper :-**

(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on Returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "Spoilt-Cancelled" by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as "Returned-Cancelled" by the Presiding

Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

**40. Tendered votes :-**

(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper sign his name against the entry relating to him in a list in Form XII. [\* \* \*]

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station, except that it shall be-

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and.

(b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The voter, after making a tendered ballot paper in the polling compartment and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

**41. Closing of poll :-**

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under Rule 4 and shall not thereafter admit any voter into the polling station :

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

**42. Sealing of ballot boxes after poll :-**

(1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their election or polling agents, if in attendance, close slit of the ballot box, and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

**43. Account of ballot papers :-**

(1) The Presiding Officer, shall, at the close of the poll, prepare a ballot paper account in Form XIII[\* \* \*] and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon

[(2) The Presiding Officer shall permit a polling agent who so desires to take a true copy of entries made in the ballot paper account and shall attest it as true copy.

**44. Sealing of other packets :-**

(1) The Presiding Officer shall then make into separate packets-

(a) the marked copy of the list of voters;

(b) the unused ballot papers;

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list of tendered ballot papers;

(e) the list of challenged votes; and

(f) any other parts directed by the Returning Officer to be kept in a sealed packet;

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents present who may desire to affix their seals thereon.

**45. Transmission of ballot boxes, packets, etc. to the Returning Officer :-**

(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in Rule 44; and

(d) all other papers used at the poll;

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

**46. Adjournment of poll in emergencies :-**

(1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if, at an election, it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later, and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall, immediately report the circumstances to the Collector who shall, as soon as may be, fix the day on which the poll shall recommence and fix the polling station at which and the hours during which the poll shall be taken. The Returning Officer shall not count the votes cast at such election, until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Collector shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in Rule 4; and the provisions of these rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.

**47. Procedure on adjournment of poll :-**

(1) If the poll at any polling station is adjourned under Rule 46, the provisions of rules 42 to 45 (both inclusive) shall, as far as

practicable, apply as if the poll was closed at the hour fixed in that behalf under Rule 4

(2) When an adjourned poll is recommenced under sub-rule (2) of Rule 46, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of voters and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the list of voters for recording the serial numbers of the ballot paper issued to voters at the adjourned poll.

(5) The provisions of Rule 26 or 45 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

**48. Fresh poll in case of destructions, etc, of ballot boxes :-**

(1) If at an election,-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding officer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning officer shall forthwith report the matter to the Collector.

(2) Thereupon, the Collector, shall, after taking all material circumstances into account, either -

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not in any way, affect the result of the election or that the error or irregularity in may deem is not material, issue such directions to the Returning Officer as he procedure proper for the further

conduct and completion of the election.

(3) The provisions of the Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

**49. Counting of voters :-**

At every election where a poll is taken, votes shall be counted by, or under the supervision and direction of, the Returning Officer and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

**50. Admission to the place fixed for counting :-**

(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except-

(a) such persons as he may appoint to assist him in the counting :

(b) persons authorised by the Collector;

(c) public servants on duty in connection with the election; and

(d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person, who during the counting of votes misconducts himself or falls to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in his behalf by the Returning Officer.

**51. Maintenance of secrecy of voting :-**

The Returning Officer shall, before he commences the counting, read out the provisions of Section 29 to such persons as may be present.

**52. Scrutiny and opening of ballot boxes :-**

(1) The Returning Officer shall-

(i) open or cause to be opened simultaneously the ballot box or

boxes used at more than one polling station; and

[(ii) have the papers counted and recorded in Part II of Form XIII.

[(1A) Discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers in the ballot box,<sup>2</sup> shall also be recorded in Part II of the Form XII.

(2) Before any ballot box is opened at a counting table, the counting agents present at this table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has, in fact been tampered with.

(4) If the Returning officer is satisfied that any ballot box has, in fact, been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 48 in respect of that polling station

### **53. Scrutiny and rejection of ballot papers :-**

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Returning Officer shall reject a ballot paper-

(a) If it bears any mark or writing by which the voter can be identified; or

(b) if no vote is recorded thereon ; or

(c) if votes are given on it in favour of more than one candidate ; or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given ; or

(e) if it is a spurious ballot paper ; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or

(g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design of the ballot papers authorised for use at the polling station ; or

(h) if it does not bear the mark which it should have borne under



the provisions of sub-rule (5) of Rule 36.

Provided that-

(i) where a Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding officer or the polling officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

#### **54. Counting of votes :-**

(1) Ballot papers, which are not rejected under Rule 53 shall be taken for counting.

(2) The votes recorded in favour of each candidate shall be counted with the aid of persons appointed to assist the Returning Officer under clause (a) of sub-rule (1) of Rule 50.

(3) Counting shall be subject to such general or special directions, if any, as may be given by the Director in this behalf:

Provided that-

(i) no cover containing tendered ballot papers shall be opened and no such paper shall be counted ; [\* \* \* \*]

(4) After counting all the ballot papers for the Councillors' election contained in all the ballot boxes used in a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form XIV and announce the particulars. Then valid ballot

paper shall,

(a) The name of the Council;

(b) The name and number of the ward and against it the name and number of the polling station :and

(c) The date of sounting. [\* \* \* \*]

**55. Counting to be continuous :-**

The Returning Officer shall, as far as practicable proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

**56. Recommencem ent of counting after fresh poll :-**

(1) If a fresh poll is held under Rule 48, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by the Collector in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of the rules 53 and 54 shall apply, so far as may be, to such further counting.

**57. Re-count of votes :-**

(1) After the completion of the counting the Returning officer shall record in the result sheet in Form XIV [\* \* \*] the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Returning Officer for a re-count of all or any of the ballot papers already counted stating the grounds on which he demands such re-count.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow the application, in whole, or in part, or may reject it in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall

be in writing and contain the reasons therefore.

(5) If the Returning Officer decides under sub-rule (3) to allow an application, either in whole or in part, he shall-

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet in Form XIV [\* \* \*] to the extent necessary after such re-count; and

(c) announce the amendments, so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheets in Form XIV[\* \* \*] and no application for a re-count shall be entertained thereafter:

Provided that, no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

**58. Equality of votes :-**

If, after the counting of the votes is completed an equality of votes is found to exist between any candidates, and the addition to one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

**59. Declaration of result :-**

The Returning Officer shall then declare to be elected the candidate to whom the highest number of valid votes has been given complete and certify the return of election in Form XIV [\* \* \*] and send signed copies thereof to the Collector as soon as possible.

**60. Custody of election papers :-**

The Returning Officer shall retain in his custody the packets referred to in Rule 44 and all other documents relating to the election.

**61. Production and Inspection of election papers :-**

(1) While in the custody of the Returning Officer -

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or

rejected;

(c) the packets of marked copies of the list of voters; shall not be opened and their contents shall not be inspected by, or produced before, any person or authority, except under the order of a competent court.

(2) All other papers relating to the election shall be open to public inspection.

## **62. Disposal of election papers :-**

(1) The packets referred to in sub-rule (1) of Rule 61 shall be retained for a period of one year and shall thereafter be destroyed, subject to any direction to the contrary given by the State Government or by a competent court.

(2) All other papers relating to the election shall be retained, until the termination of the next general election for the ward to which they relate and shall thereafter be destroyed, subject to any direction to the contrary given by the State Government or a competent court.

## **63. Casual Vacancies :-**

Wherever a report is received by the Collector from the Chief Officer under sub-section (2) of Section 48 of a vacancy in the office of Councillor [\*\*\*] the Collector shall after verifying and satisfying himself that there is a casual vacancy, fix a date as soon as conveniently may be, for holding bye-election to fill the vacancy and the provisions of these rules shall thereupon mutatis mutandis apply accordingly.

## **64. Expenses in connection with Municipal election :-**

All expenses in relation to holding of any election under the Act shall be payable by the Municipal Council from the Municipal fund.